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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,170	12/06/2000	Shoichiro Usui	USUI-12N	9121

1218 7590 05/23/2002

CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK, NY 10016

EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,170

Applicant(s)

USUI, SHOICHIRO

Examiner

Carlos Lugo

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 April 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This is a response to amendments filed on April 18, 2002 (Paper No. 13), in which applicant cancel 1-4.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 5, ~~6~~, 9 and 11-14 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,402,829 to Takikawa et al (Takikawa) in view of US Pat No 5,058,935 to Eidsmore.

Regarding claim 5, Takikawa discloses a high-pressure pipe assembly comprising a metal pipe (element 1) having opposed first and second ends.

A connecting head (element 2), adjacent the first end, having a seat surface flared outwardly from the first end and a cylindrical surface extending from the seat surface away from the first end. The cylindrical surface has a selected outside diameter.

A cylindrical body extends from the connecting head toward the second end. The body has an outside diameter less than the selected diameter of the cylindrical surface. A centrally passage (element 1') extends through the metal pipe from the first to the second end. The passage defines an annular groove spaced from the first end.

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The assembly further includes a sleeve washer (element 4) that is closely engaged with at least a portion of the cylindrical surface and having a thick-walled cylindrical portion that surrounds and closely engage with at least a portion of the cylindrical body.

However, Takikawa fails to disclose that the washer surrounds at least a portion of the cylindrical surface.

Eidsmore teaches a coupling having a metal pipe (element 12) having a connecting head (element 22) having a cylindrical surface. A sleeve washer or drive member (element 70) surrounding the cylindrical surface (element 76) and another part surrounding the cylindrical body (element 74).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a sleeve washer or drive means, as taught by Eidsmore, in a pipe assembly as described by Takikawa, in order to ensure tightening.

As to claim 6, Takikawa discloses that the seat surface comprises a conically generated surface.

As to claim 9, Takikawa discloses that the connecting head includes a radially aligned annular surface extending between the connecting head and the cylindrical body.

As to claim 11, Takikawa discloses that the passage has a first cylindrical portion between the annular groove and the first end and a second cylindrical portion

between the annular groove and the second end. The first and second cylindrical portions defines an inside diameter less than of the annular groove.

As to claims 12-14, Takikawa illustrates that the outside diameter of the cylindrical surface is between 10-45% larger than the outside diameter of the cylindrical body.

4. **Claims 7,8 and 10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,402,829 to Takikawa et al (Takikawa) and US Pat No 5,058,935 to Eidsmore in view of US Pat No 5,109,888 to Usui.

Regarding claims 7 and 8, Takikawa, as modified by Eidsmore, fails to disclose that the seat surface comprises an spherically generated surface or a planar end face at the first end and a flared surface extending outwardly from the planar end face.

Usui teaches a seat surface comprising an spherically generated surface or a planar end face at the first end and a flared surface extending outwardly from the planar end face.

As to claim 10, Takikawa, as modified by Eidsmore, fails to disclose that the connecting head includes a conically generated surface extending between the connecting head and the cylindrical body.

Usui teaches that the connecting head includes a conically generated surface extending between the connecting head and the cylindrical body.

A change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to change the shape of the seat surface because is only a design consideration.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited further show the state of the art with respect to pipe connections.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747. The fax number for correspondence before a final action is (703)-872-9326 and the fax number for correspondence after final action is (703)-872-9327. The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

May 16, 2002


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600